

2019

Motor Carriers of Property

Frequently Asked Questions



Illinois Commerce Commission
Transportation Division

Last Revised: November 7, 2019

INTRODUCTION

This FAQ has been created to assist applicants and licensees in gaining a general understanding of the basic requirements of the Illinois Commercial Transportation Law, 625 ILCS 5/18c-1101 *et seq.*, and its Administrative Rules, 92 Ill.Adm.Code Chapter III. The contents of this FAQ may not be relied upon as a substitute for the most current official text of the Law or the Administrative Rules. This FAQ may also not be relied upon as a substitute for legal advice. For legal advice, seek the services of a licensed attorney who would be able to examine your individual situation. The Illinois Commerce Commission and its Staff are not permitted to provide legal advice to the public.

Any comments or suggestions regarding this guidance may be submitted via the “Contact Us” option on the Commission’s website, <http://www.icc.illinois.gov/contactus/>, or via US mail to:

Office of Transportation Counsel
Transportation Division
Illinois Commerce Commission
527 E. Capitol Ave.
Springfield, IL 62701

Submission of any comments or suggestions through the “Contact Us” link or in writing to this address does not form an attorney-client relationship. Any submitted comments or suggestions and any issued responses to the comments or suggestions are not subject to attorney-client privilege.

For questions or inquiries regarding applications, the application process, or the status of an application, license, permit or registration, please contact:

Processing and Information Section
Illinois Commerce Commission
527 E. Capitol Ave.
Springfield, IL 62701
Phone: (217)782-4654
Fax: (217)782-9244

TABLE OF CONTENTS

<u>General Information</u>	<u>4</u>
<u>Obtaining Public Carrier Authority.....</u>	<u>4</u>
<u>Cab Cards and Unified Carrier Registration</u>	<u>5</u>
<u>Operating under Public Carrier Authority.....</u>	<u>6</u>
<u>Enforcement</u>	<u>7</u>
<u>Suspension and Revocation of a Public Carrier Certificate.....</u>	<u>9</u>
<u>Questions from the Public</u>	<u>10</u>

General Information

Q. What is a Public Carrier Certificate?

A. A Public Carrier Certificate is a license authorizing its holder to engage in for-hire transportation of property over the public roads in intrastate commerce in the State of Illinois.

Q. Who is required to obtain a Public Carrier Certificate?

A. Generally, any person or entity engaged in for-hire transportation of property over the public roads in intrastate commerce in the State of Illinois must obtain a Public Carrier Certificate from the Illinois Commerce Commission. 625 ILCS 5/18c-4101. However, certain carriers are exempt from the requirement to obtain a Public Carrier Certificate. 625 ILCS 5/18c-4102. If an exemption is applicable to you or your entity's operations, you must file a Petition for Certificate of Exemption, COE-1, located on the Commission's website. [Link to COE-1](#)

Q. I have received federal authority to operate as a motor carrier of property from the Department of Transportation through the Federal Motor Carrier Safety Administration. Do I need to obtain a Public Carrier Certificate as well?

A. Yes, if you intend to engage in for-hire transportation of property over the public roads in intrastate commerce in the State of Illinois, you must obtain a Public Carrier Certificate from the Illinois Commerce Commission.

Q. How do I determine if I operate as a for-hire motor carrier of property?

A. A "for-hire motor carrier of property" means a person engaged in the transportation of goods for compensation. 625 ILCS 5/18c-1104(11).

Q. How do I determine if I operate in intrastate commerce?

A. Intrastate operations can be defined as commerce moving wholly between points within the State of Illinois. 625 ILCS 5/18c-1104(17); 92 Ill.Ad.Code § 1306.10. Interstate operations can be defined as trade, traffic, or transportation between a place in a state and a place outside of such state, between two places in a state through another state or place outside of the United States, or between two places in a state as part of trade, traffic, or transportation originating or terminating outside of the state or the United States. 625 ILCS 5/18c-1104(16). Generally, if you transport material from an origin in Illinois to a destination in Illinois, you are operating in intrastate commerce. If you have any questions regarding whether your operations are intrastate or interstate, you are strongly encourage you to seek the advice and counsel of a licensed attorney.

Obtaining Public Carrier Authority

Q. How do I obtain a Public Carrier Certificate?

A. The Illinois Commerce Commission accepts applications from persons or entities seeking a Public Carrier Certificate. Applicants must fully complete the Commission's Application for Public Carrier Certificate, PCC-1, available on the Illinois Commerce Commission's website. 92 Ill.Ad.Code § 1202.10(a). [Link to PCC-1](#).

Q. How much does it cost to apply for a Public Carrier Certificate?

A. Any person or entity seeking to apply for a Public Carrier Certificate must provide an application fee alongside their application. Currently, that fee is \$50.00 for an initial application. 92 Ill.Ad.Code § 1205.10(a).

Q. How long does it take to obtain a Public Carrier Certificate?

A. Due to numerous factors, the Illinois Commerce Commission cannot provide a concrete timeframe for when you will receive your Public Carrier Certificate. However, you may check the status of any Public Carrier Certificate application by calling the Illinois Commerce Commission's Transportation Processing Division at 217-782-4654.

Q. When is my Public Carrier Certificate valid?

A. Your Public Carrier Certificate is not valid until your license is issued by the Illinois Commerce Commission. You are not permitted to operate as a for-hire motor carrier of property in the State of Illinois before or during your application process.

Q. How long is my Public Carrier Certificate valid?

A. Your Public Carrier Certificate is valid indefinitely, so long as you operate in compliance with the Illinois Commercial Transportation Law and its Administrative Rules. See 625 ILCS 5/18c-1101 *et seq.*; 92 Ill.Adm.Code Chapter III.

Q. I am seeking to obtain a Public Carrier Certificate currently in the possession of a member of my immediate family. Is it possible for them to transfer their Public Carrier Certificate to me?

A. Yes, a license may be transferred between a person and a member of their immediate family. 625 ILCS 5/18c-4306(1)(a); 92 Ill.Adm.Code § 1270.20. In certain limited circumstances, including the transfer of a license between a person and a member of their immediate family, the Illinois Commerce Commission is authorized to utilize expedited transfer procedures (commonly referred to as a "Non-Hearing Transfer"). 625 ILCS 5/18c-4306. Persons or entities who qualify may apply for a non-hearing transfer of a public carrier certificate by completing the Illinois Commerce Commission's form, NHT-1, located on the Illinois Commerce Commission's website. 92 Ill.Adm.Code § 1270.50. [Link to NHT-1.](#)

Cab Cards and Unified Carrier Registration

Q. Am I required to purchase Cab Cards?

A. Each motor vehicle used in for-hire transportation upon the public roads of Illinois must carry a current, executed cab card issued by or under the authority of the Illinois Commerce Commission. 625 ILCS 5/18c-4601. Cab cards must be purchased annually for each cab or unit you plan to utilize to transport goods for-hire. The current fee for cab cards is \$5 for each vehicle operated under a Public Carrier Certificate. 92 Ill.Adm.Code § 1205.10(f). If you are solely an intrastate carrier, you can purchase cab cards by completing the Illinois Commerce Commission's Intrastate Cab Card Order Form, SO-1, located on the Illinois Commerce Commission's website. [Link to SO-1.](#) However, if you also operate as an interstate carrier and are required to purchase Unified Carrier Registration ("UCR"), you are exempt from the requirement to purchase cab cards from the Illinois Commerce Commission.

Q. When must I purchase Cab Cards for the upcoming year?

A. Cab cards must be purchased prior to January 1 of the new year. Typically, the Illinois Commerce Commission opens cab card purchasing in October preceding the beginning of that year.

Q. What is Unified Carrier Registration (“UCR”) and do I need to purchase it?

A. Unified Carrier Registration, established by the UCR Act in 2005, requires motor carriers involved in interstate commerce to submit annual fees based on fleet size to supplement funding for state highway motor carrier registration and safety programs. If you intend to operate either as an interstate carrier only or both an interstate and an intrastate carrier in a calendar year, you are required to purchase UCR. You can purchase UCR by going onto their website, www.ucr.gov, and following the on-screen instructions. The annual fee is set by the UCR Board, and is subject to change year-to-year.

Q. When must I purchase UCR for the upcoming year?

A. UCR Registration must be purchased prior to January 1 of the upcoming year. Typically, UCR registration for a given registration year opens on the October 1 preceding the beginning of that year. However, this date is subject to change. Please visit www.plan.ucr.gov for more information.

Operating under Public Carrier Authority

Q. The information I provided to the Illinois Commerce Commission in my Application for Public Carrier Certificate has changed. Do I need to update this information with the Illinois Commerce Commission?

A. Yes, you must provide updated information to the Illinois Commerce Commission. If you seek to update contact or identifying information, you may do so by completing the Illinois Commerce Commission’s Information Revision Form, RIR-1, located on the Illinois Commerce Commission’s website. [Link to RIR-1](#).

Q. I am not a licensed Illinois intrastate motor carrier, but I wish to operate under someone else’s intrastate motor carrier authority. Am I permitted to do so?

A. Yes, so long as you execute and file an Equipment Lease with the Illinois Commerce Commission. An Equipment Lease is a written document vesting possession, use, control, and responsibility in the lessee during the periods the vehicle is operated by or for the lessee. 92 Ill.Adm.Code § 1360.20. Equipment leases filed with the Illinois Commerce Commission must be filed on the Illinois Commerce Commission’s Equipment Lease form, EL-1, located on the Illinois Commerce Commission’s website. 92 Ill.Adm.Code § 1360.45. [Link to EL-1](#). Equipment leases must be submitted with a filing fee, which is currently set at \$15 per equipment lease filing. 92 Ill.Adm.Code § 1205.10(d). Equipment leases, lessors, and lessees must abide by the General Leasing Requirements and Lease Terms and Conditions as stated in the Illinois Administrative Code. 92 Ill.Adm.Code § 1360.30, § 1360.40.

Q. Am I required to have my carrier’s name or ILL. C. C. number on the side of my vehicle?

A. Yes, intrastate-only carriers cannot operate unless the carrier’s name and ILL. C. C. number is painted or affixed to both sides of the cab or power unit. 625 ILCS 5/18c-4701. In lieu of the carrier name, the intrastate-only carrier may paint or affix their logo to both sides of the cab or power unit. *Id.* Additional intrastate-only carrier identification requirements are located in the Illinois Administrative Code. 92 Ill.Adm.Code § 1307.5, *et seq.* If you operate as both an intrastate and an interstate motor carrier of property, the intrastate-only requirements do not apply to you and your identification requirements are set by federal law.

Q. What documentation am I required to keep in my vehicles?

A. Beyond the requirements of the Illinois Secretary of State, the Illinois Department of Transportation, and the Illinois Department of Revenue, the Illinois Commerce Commission requires intrastate-only carriers to keep a number of documents in their vehicles. Intrastate-only carriers must carry a copy of a valid, current Public Carrier Certificate issued by the Commission, as well as any other licenses issued to that carrier. 625 ILCS 5/18c-4104(c). Intrastate-only carriers must carry a properly-executed intrastate cab card bearing the current Illinois motor carrier number. 625 ILCS 5/18c-4104(g). If operating under an equipment lease, an intrastate-only carrier must carry a copy of a valid, executed equipment lease. 625 ILCS 5/18c-4104(d). If you operate as both an intrastate and an interstate motor carrier of property, the intrastate-only requirements do not apply to you and your documentation requirements are set by federal law.

Q. I have questions regarding the legality of my operations as a motor carrier. Can I speak with someone at the Illinois Commerce Commission about these issues?

A. No, the Illinois Commerce Commission cannot provide the public legal advice on any matter. Staff can answer questions related to processes at the Illinois Commerce Commission, such as how to apply for authority or how to pay a citation, but they cannot provide any legal advice or opinions related to your operations as a motor carrier. If you have questions regarding the legality of your operations as a motor carrier, the Illinois Commerce Commission encourages you to seek the advice and counsel of an attorney licensed to practice law in the State of Illinois.

Q. Can I voluntarily surrender my Public Carrier Certificate?

A. Yes, you can voluntarily surrender your Public Carrier Certificate by filing a Cessation of Service Under a License form, CS-1, located on the Illinois Commerce Commission's website. [Link to CS-1](#).

Enforcement

Q. What is the difference between a court citation and an Administrative Citation?

A. Court citations are issued for violations you are likely familiar with, such as speeding or driving without current registration issued by the Secretary of State. Administrative Citations are violations of the Illinois Commercial Vehicle Law that the Illinois Commerce Commission is required to enforce. Members of the Illinois Commerce Commission's Police Department are fully-sworn police officers who are required to enforce all laws of the State of Illinois. Thus, you may receive court citations and Administrative Citations from members of the Illinois Commerce Commission's Police Department. Illinois Commerce Commission staff cannot assist you with any questions or issues regarding court citations; you must contact the State's Attorney in the county in which you were cited to resolve any dispute related to court citations.

Q. How can I pay an Administrative Citation?

A. You have two options to pay Administrative Citations. First, you can send a check or money order to the Illinois Commerce Commission's offices in Springfield, care of "TRF." If you decide to send a check or money order, the Illinois Commerce Commission recommends that you include the citation number in the memo line or place a copy of the citation in the envelope. Second, you can pay online via our eTransportation portal by going to www.icc.illinois.gov/etransportation/ and following the on-screen instructions.

Q. I have a question concerning the Administrative Citation I received. Who can I call?

A. For issues concerning Administrative Citations, you can call the Illinois Commerce Commission at 217-558-4443 and leave a message including, at minimum, your name, your phone number, and the citation number. Due to the volume of calls the Illinois Commerce Commission receives, it may take some time to return your call.

Q. I did not receive a hearing date on the Administrative Citation I received. When is my hearing date?

A. Unlike court citations, Administrative Citations do not include a hearing date. This is because the Illinois Commerce Commission does not immediately set Administrative Citations for a hearing. Once your citation is set for a hearing, you will receive a "Notice of Hearing" from the Illinois Commerce Commission at the address you have on file with the Commission or, if you do not have an address on file with the Commission, the address you provided the police officer at the time of the stop.

Q. I received a notice of hearing for an Administrative Citation in the mail. Do I need to appear at that hearing?

A. Not necessarily. If you have paid your citation, you do not need to appear at a hearing. If you have reached a resolution with Commission staff, you do not need to appear at a hearing. If you intend to pay your citation but have yet to do so, you do not need to appear at that hearing.

Q. How can I resolve my citation without a hearing?

A. If you would like to dispute a citation, you may call the Illinois Commerce Commission at 217-558-4443 and leave a message including, at minimum, your name, your phone number, and the citation number.

Q. If I still want to appear at a hearing to contest an Administrative Citation, how do I do so?

A. If you seek to appear at a hearing to contest an Administrative Citation, first you must wait for the Administrative Citation to be set for a hearing. Once you receive a Notice of Hearing in the mail, you must notify the Illinois Commerce Commission of your intent to appear by sending an e-mail to ICC.Citations@illinois.gov no later than five (5) business days in advance of the hearing date. If you are an individual or a sole proprietor, you may appear at an Administrative Citation hearing on your own behalf. 83 Ill.AdM.Code § 200.90(b). If your business is a corporation or LLC, you must be represented by an attorney licensed to practice law in the State of Illinois at your own cost. 83 Ill.AdM.Code § 200.90.

Q. I received a Demand for Records from the Illinois Commerce Commission. What do I do?

A. The Illinois Commerce Commission has the authority to examine, audit, or demand production of all accounts, books, records, memoranda, and other papers in the possession of a regulated motor carrier. 625 ILCS 5/18c-1703(2)(b). The demand letter you received will include instructions detailing how to comply with the letter, a date by which you must comply, and the name and contact information of the investigating officer. Failure to comply with this demand will lead to a Failure to Produce Records citation. See 625 ILCS 5/18c-1703(2)(b). If you have any questions or comments, you may contact the investigating officer.

Q. I received a Notice of Alleged Violation and Opportunity to Settle from the Illinois Commerce Commission. What is this?

A. Certain violations of the Illinois Commercial Transportation Law result in an Illinois Commerce Commission investigation file. This is wholly separate from any Administrative Citations you may have received in the past. Once an investigation file is opened, Staff of the Illinois Commerce Commission are required to provide carriers an opportunity to settle the investigation before formal enforcement proceedings are initiated. 92 Ill.Adm.Code § 1435.15. If you receive a Notice of Alleged Violation and Opportunity to Settle, you should contact the staff member who signed the letter by calling the phone number provided in the letter. Failure to respond to a Notice of Alleged Violation and Opportunity to Settle could result in a formal enforcement action filed against you.

Q. I received a Notice of Alleged Violation and Opportunity to Settle from the Illinois Commerce Commission. Am I required to hire an attorney?

A. Not necessarily. The Illinois Commerce Commission encourages anyone with pending matters to seek the advice and counsel of an attorney licensed to practice law in the State of Illinois. However, because settlement is an informal process, you are not required to obtain representation from an attorney to discuss or accept a settlement offer from the Illinois Commerce Commission. However, if you reject settlement and formal enforcement proceedings are brought against you, you will be required to appear through the representation of an attorney licensed to practice law in the State of Illinois at your own cost, so long as you are not an individual or sole proprietor. 83 Ill.Adm.Code § 200.90.

Suspension and Revocation of a Public Carrier Certificate

Q. I received a Notice of Suspension from the Illinois Commerce Commission. What do I do?

A. The Illinois Commerce Commission is permitted to suspend a carrier's Public Carrier Certificate. 625 ILCS 5/18c-1704(6). For example, your Public Carrier Certificate may be suspended for failure to have in effect and on file proof of continuous insurance coverage. 625 ILCS 5/18c-1704(6)(a). Your Public Carrier Certificate can be un-suspended by filing proof of insurance with the Illinois Commerce Commission.

Q. May I continue to operate while my Public Carrier Certificate is suspended?

A. No, you may not continue to operate while your Public Carrier Certificate is suspended. If you are found to have operated while your Public Carrier Certificate was suspended, you could be subject to fines and/or civil penalties.

Q. Do I need to pay a fee to un-suspend my Public Carrier Certificate?

A. No, as long as your Public Carrier Certificate is suspended, not revoked, you are not required to pay a fee to un-suspend your Public Carrier Certificate.

Q. I received a Notice of Pending Revocation from the Illinois Commerce Commission. What do I do?

A. The Illinois Commerce Commission is permitted to revoke a carrier's Public Carrier Certificate for numerous reasons, such as violations of the Illinois Commercial Transportation Law or its Administrative Rules, failure to comply with Commission orders, and failure to pay fines or fees. *See* 625 ILCS 5/18c-1704(6)(c). If you receive a Notice of Pending Revocation, you must come into compliance within 30 days or your Public Carrier Certificate will be revoked. 625 ILCS 5/18c-1704(6)(c)(i). If you need additional time to come into compliance, you may request an extension of time of up to 60 days. 625 ILCS 5/18c-1704(6)(c)(ii). You have the right to request a formal hearing to dispute the Commission's basis for revoking your Public Carrier Certificate, so long as you submit the request in writing and abide by the requirements of 625 ILCS 5/18c-2102 and 625 ILCS 5/18c-1704(6)(c)(iii).

Q. May I continue to operate if my Public Carrier Certificate is revoked?

A. No, you may not continue to operate while your Public Carrier Certificate is revoked. If you are found to have operated while your Public Carrier Certificate was revoked, you could be subject to fines and/or civil penalties.

Q. How can I reinstate my revoked Public Carrier Certificate?

A. If your Public Carrier Certificate has been revoked, you can reinstate your authority within one year of revocation by filing an Application for Public Carrier Certificate form, PCC-1, located on the Illinois Commerce Commission website. 92 Ill.Adm.Code § 1236.10. [Link to PCC-1](#). In order for your authority to be re-instated, you must remedy the condition for which you were revoked and meet all other conditions for continued good standing. *Id.*

Q. Do I need to pay a fee to reinstate my revoked Public Carrier Certificate?

A. Yes, you are required to pay a reinstatement fee alongside your application. 92 Ill.Adm.Code § 1236.10(b). Currently, that fee is \$50. 92 Ill.Adm.Code § 1205.10.

Q. Can I temporarily suspend my Public Carrier Certificate?

A. Yes, you can temporarily suspend your Public Carrier Certificate for a period of up to one year by submitting a Temporary Suspension Request Form, located on the Illinois Commerce Commission's website. [Link to Temporary Suspension Request Form](#). Once your request is granted, you cannot operate as an intrastate motor carrier while your Public Carrier Certificate is suspended.

Questions from the Public

Q. How can I determine if a person or entity has a Public Carrier Certificate?

A. You can research a motor carrier's current licensing status by utilizing the Illinois Commerce Commission's Motor Carrier & Towers Search, located at www.icc.illinois.gov/utility/defaultMC.aspx. Carriers with an active Public Carrier Certificate will display "Common – Active" under the Authority Status heading.

Q. Can I file a complaint regarding a motor carrier with a Public Carrier Certificate?

A. Yes, anyone can file an informal complaint by completing an Informal Complaint Form, located on the Illinois Commerce Commission's website. [Link to Informal Complaint Form](#).